

5 Official Opinion of the Compliance Board 70 (2006)

**NOTICE REQUIREMENT – CONTENT – OMISSION OF
INFORMATION REQUIRED BY ACT, HELD TO BE A
VIOLATION – CLOSED SESSION PROCEDURE –
FAILURE TO MEET ACT’S REQUIREMENTS, HELD TO BE
A VIOLATION – MINUTES – FAILURE TO MEET ACT’S
REQUIREMENTS, HELD TO BE A VIOLATION**

October 2, 2006

Mr. Craig O’Donnell
Kent County News

The Open Meetings Compliance Board has considered your complaint that the Board of Trustees of the Kent County Public Library had engaged in a pattern of violations of Open Meetings Act provisions on notice of meetings, the closing of meetings, and the preparation of minutes. In a response on its behalf from Ernest Crofoot, Esquire, the Library Board acknowledged “that there had been unintended failures on the part of the Library in the conduct of its meetings.” The gist of the problem, according to the response, is that the Library Board thought that its meetings were subject only to the cursory provisions about board meetings in §23-404(c) of the Education Article, Maryland Code. The Library did not perceive that it was also subject to the comprehensive regime of the Open Meetings Act.

As a result of this misunderstanding, the Library Board has not followed the Act’s procedures when closing meetings, although according to the Library Board’s response, the topics of its closed sessions generally fell within exceptions to the openness requirement of the Act. The Library Board also acknowledged shortfalls in its preparation of minutes. With respect to notice of meetings, the Library Board stated that it has complied with the Act’s core requirement, because it routinely posts notice of its meetings on a public bulletin board at the Library’s main branch in Chestertown, but it acknowledged that some meeting notices did not contain all of the information required by the Act.

Given the Library Board’s response, extensive discussion of the issues is unnecessary. The Compliance Board finds that the Library Board violated the Act by omitting certain required information from its meeting notices, failing to adhere to the Act’s requirements for closing meetings, and failing to prepare minutes in accordance with the Act. The Compliance Board notes with approval that the Library Board has initiated a plan of correction, including retaining counsel to advise about the Act’s requirements, scheduling a training session in October, and

taking steps to bring its minutes up-to-date. We expect that this new awareness of the Open Meetings Act will result in full compliance with it.

OPEN MEETINGS COMPLIANCE BOARD

Walter Sondheim, Jr.
Courtney J. McKeldin
Tyler G. Webb